

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

James A. Johnson, Sr., # 209541,

Plaintiff,

v.

S.C. Department of Corrections,

Director Jon Ozmint;

Warden Padula;

Associate Warden Brooks;

Associate Warden Bell;

Major Price;

Captain J. Blackwell;

Captain A. Thomas;

Sergeant C. Richardson;

Sgt. Ray Dixon;

IGC W. Mitchell;

Nurse Hill,

Mr. B. Rickerson; and

Ms. Sharon Patterson,

Defendants.

C/V No. 3:06-2062-CMC-JRM

O R D E R

Plaintiff, an inmate incarcerated in the Special Management Unit at Lee Correctional Institution of the South Carolina Department of Corrections, filed this action pursuant to 42 U.S.C. § 1983 on July 18, 2006, listing 14 claims against Defendants. On December 13, 2006, Defendants filed a motion for summary judgment. In an order filed December 14, 2006, Plaintiff was advised of the summary judgment procedures and the possible consequences if he failed to file a response. Plaintiff filed a response on January 22, 2007.

On August 29, 2006, Plaintiff filed a motion for protection. It does not appear Defendants were served with this motion and they have filed no reply.

On November 7, 2006, Plaintiff filed a motion for a preliminary injunction. Defendants filed

a reply on November 27, 2006.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation. On February 14, 2007, the Magistrate Judge issued a Report recommending that Plaintiff's motion for protection be denied; Plaintiff's motion for preliminary injunction be denied; and Defendants' motion for summary judgment be granted. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report and Recommendation only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “ in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the complaint, the motions, the responses, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error. Accordingly, the

Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS THEREFOR ORDERED that Plaintiff's motion for protection is **DENIED**, and it is

FURTHER ORDERED that Plaintiff's motion for preliminary injunction is **DENIED**, and it is

FURTHER ORDERED that Defendants' motion for summary judgment is **GRANTED** .

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
March 21, 2007

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